

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 MICHAEL YI
Deputy Attorney General
4 State Bar No. 217174
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6483
6 Facsimile: (916) 731-2126
E-mail: Michael.Yi@doj.ca.gov
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**
12

13 In the Matter of the Accusation Against:

Case No. 79/24-14749

14 **ANDRES GRIMALDO BAUTISTA –**
OWNER DBA MAIN AUTOMOTIVE
15 **1130 W. Main St**
Santa Maria, CA 93458

ACCUSATION

16 Automotive Repair Dealer Registration
17 No. ARD 299514
Smog Check Test-and-Repair Station License
18 No. RC 299514,

19 Respondent.
20

21 **PARTIES**

22 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as
23 the Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs.

24 2. On April 16, 2021, the Bureau issued Automotive Repair Dealer Registration Number
25 ARD 299514 to Andres Grimaldo Bautista – Owner dba Main Automotive (Respondent). The
26 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
27 charges brought in this Accusation and will expire on April 30, 2026, unless renewed.
28

3. On May 12, 2021, the Bureau issued Smog Check, Test-and-Repair, Station License Number RC 299514 to Respondent. The Smog Check, Test-and-Repair, Station License was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on April 30, 2026, unless renewed.

4. On January 29, 2018, the Bureau issued Smog Check Inspector License Number EO 640894 to Respondent. The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on December 31, 2025, unless renewed.

5. On May 10, 2019, the Bureau issued Smog Check Repair Technician License Number EI 640894 to Respondent. The Smog Check Repair Technician License was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on December 31, 2026, unless renewed.

6. On October 14, 2024, the Bureau issued Vehicle Safety Technician License Number ST 640894 to Respondent. The Vehicle Safety Technician License was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on December 31, 2026, unless renewed.

JURISDICTION

7. This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

8. Business and Professions Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated.

9. Business and Professions Code section 9884.7 provides that the Director may revoke an automotive repair dealer registration.

///

///

///

10. Business and Professions Code section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

11. Health and Safety Code section 44002 provides, in pertinent part, that the Director has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program.

12. Health and Safety Code section 44072.6 provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with disciplinary action.

STATUTORY PROVISIONS

13. Business and Professions Code section 9884.7 states, in pertinent part:

(a) The director, if the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer:

• • •

(6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.

• • •

14. Business and Professions Code section 477 provides, in pertinent part, that “Board” includes “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency.” “License” includes certificate, registration or other means to engage in a business or profession regulated by the Business and Professions Code.

15. Health and Safety Code section 44012 states:

The test at the smog check stations shall be performed in accordance with procedures prescribed by the department and may require loaded mode dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other appropriate test procedures as determined by the department in

1 consultation with the state board. The department shall implement testing using onboard
2 diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle testing, on
3 model year 2000 and newer vehicles only, beginning no earlier than January 1, 2013.
4 However, the department, in consultation with the state board, may prescribe alternative
5 test procedures that include loaded mode dynamometer or two-speed idle testing for
6 vehicles with onboard diagnostic systems that the department and the state board determine
7 exhibit operational problems. The department shall ensure, as appropriate to the test
8 method, the following:

9 . . .

10 (f) A visual or functional check is made of emission control devices specified by the
11 department, including the catalytic converter in those instances in which the department
12 determines it to be necessary to meet the findings of Section 44001. The visual or
13 functional check shall be performed in accordance with procedures prescribed by the
14 department.

15 . . .

16 16. Health and Safety Code section 44072.2 states:

17 The director may suspend, revoke, or take other disciplinary action against a license
18 as provided in this article if the licensee, or any partner, officer, or director thereof, does
19 any of the following:

20 (a) Violates any section of this chapter and the regulations adopted pursuant to it,
21 which related to the licensed activities.

22 . . .

23 (c) Violates any of the regulations adopted by the director pursuant to this chapter.

24 . . .

25 **REGULATORY PROVISIONS**

26 17. California Code of Regulations, title 16, section 3340.35, subdivision (c), states that a
27 licensed smog check station "shall issue a certificate of compliance or noncompliance to the
28 owner or operator of any vehicle that has been inspected in accordance with the procedures
specified in section 3340.42 of this article and has all the required emission control equipment
and devices installed and functioning correctly."

///

///

1 **COST RECOVERY**

2 18. Business and Professions Code section 125.3 provides, in pertinent part, that the
3 Bureau may request the administrative law judge to direct a licensee found to have committed a
4 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
5 investigation and enforcement of the case, with failure of the licensee to comply subjecting the
6 license to not being renewed or reinstated. If a case settles, recovery of investigation and
7 enforcement costs may be included in a stipulated settlement.

8 **CALIFORNIA'S SMOG CHECK PROGRAM**

9 19. California's Smog Check Program requires most vehicles in the State to undergo a
10 smog check inspection every two years or when the vehicle's title is transferred.

11 20. A smog check inspection in certain Enhanced areas of the State is an Acceleration
12 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
13 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),
14 Carbon Monoxide (CO), Oxides of Nitrogen (NOx), Carbon Dioxide (CO²) and Oxygen (O²).
15 The first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a
16 dynamometer. The vehicle's drive wheels are placed on rollers, and the vehicle is driven to
17 simulate driving conditions while the emissions are sampled by the EIS.

18 21. In Basic areas of the State, or depending on a vehicle's configuration, a similar test
19 called a Two Speed Idle test is performed, but instead of applying a load to the vehicle's drive
20 wheels with a dynamometer, the EIS measures the emissions of HC, CO, O², and CO² at idle as
21 well as 2500 revolutions per minute (RPM).

22 22. The inspector also performs visual and functional tests on the vehicle as outlined in
23 the Smog Check Manual. The visual inspection of the emission control components verifies the
24 required emission control devices are present and properly connected.

25 23. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to
26 1999 model year vehicles. The EIS retrieves information through the Diagnostic Link Connector
27 (DLC) from the vehicle's on-board computer about its ability to communicate, the status of the
28 I/M readiness monitors and the MIL light command. The I/M readiness monitors tell whether or

1 not the OBD II system has run a sufficient number of self-tests on the vehicle's emission and
2 engine control systems. A failure of one or more of the OBD II functional criteria, depending on
3 model year, will result in the vehicle failing its smog check inspection. In addition to reporting
4 the outcome of the OBD II functional test, the smog check inspection results also show
5 Diagnostic Trouble Codes (DTC) if there are any in the vehicle's on-board computer memory.

6 24. The inspector enters the results of the visual and functional inspections into the EIS.
7 The EIS unit makes the determination whether or not the vehicle passes the inspection based on
8 the results of the tailpipe, visual and functional tests.

9 25. The EIS is connected by internet connection to Bureau's Vehicle Information
10 Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
11 inspection. A Certificate of Compliance is issued and transmitted electronically to the VID.

12 26. Beginning March 9, 2015, California's Smog Check Program was updated to require
13 the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check
14 equipment required in all areas of the State when inspecting most model-year 2000 and newer
15 gasoline and hybrid vehicles. The system consists of a certified Data Acquisition Device (DAD),
16 computer, bar code scanner, and printer. The DAD is an OBD scan tool that, when requested by
17 the BAR-OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle
18 indicates it supports is requested by the BAR-OIS software and will be retrieved. The DAD
19 connects between the BAR-OIS computer and the vehicle's DLC. The bar code scanner is used to
20 input inspector information, the vehicle identification number (VIN), and Department of Motor
21 Vehicles renewal information. The printer provides a Vehicle Inspection Report (VIR)
22 containing inspection results for motorists and a Smog Check Certificate of Compliance number
23 for passing vehicles.

24 **UNDERCOVER VEHICLE OPERATION**

25 27. In July 2024, a Bureau representative documented the Bureau's 2002 Dodge ("the
26 vehicle") for an On-Board Diagnostic Inspection System (OIS) Smog Check inspection. The
27 Bureau representative removed the vehicle's Fuel Evaporative (EVAP) system canisters and
28

1 performed an OIS Smog Check inspection, verifying that the vehicle would fail the visual portion
2 of a properly performed OIS Smog Check inspection.

3 28. On August 21, 2024, an undercover operator of the Bureau (“operator”) took the
4 vehicle to Respondent’s facility, Main Automotive, located at 1130 W. Main Street in Santa
5 Maria. The operator requested a Smog Check inspection. Smog Check inspector J. H. performed
6 the inspection. The operator received an invoice for the inspection and a VIR for the vehicle.
7 The Visual Inspection Result Information on the VIR indicated “PASS” for Fuel Evaporative
8 System. The VIR and VID indicated that Certificate of Compliance IZ966827C was issued to the
9 vehicle under J. H.’s inspector license. The operator returned the vehicle to the Bureau
10 representative. The Bureau representative verified that the EVAP canisters remained missing.

11 29. On October 2, 2024, the Bureau representative inspected the vehicle and performed
12 an OIS Smog Check inspection. The Visual Inspection Result Information on the VIR indicated
13 “TAMPERED” for the Fuel Evaporative System.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Material Violation of Automotive Repair Act)**

16 30. Respondent’s Automotive Repair Dealer Registration is subject to disciplinary action
17 pursuant to Business and Professions Code section 9884.7, subdivision (a)(6). Respondent and/or
18 his employees failed in a material respect to comply with the provisions of this chapter or
19 regulations adopted pursuant to it when he issued a Certificate of Compliance to a Bureau
20 undercover vehicle with missing EVAP system canisters, thereby depriving the People of the
21 State of California of the protection afforded by the Motor Vehicle Inspection Program.
22 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
23 27 through 29, as though fully set forth here.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Violations of the Motor Vehicle Inspection Program)**

26 31. Respondent’s Automotive Repair Dealer Registration is subject to disciplinary action
27 pursuant to Health and Safety Code section 44072.2, subdivision (a), for failing to comply with
28 Health and Safety Code section 44012, subdivision (f). Respondent issued a Certificate of

1 Compliance to a Bureau undercover vehicle with missing EVAP system canisters. Complainant
2 refers to, and by this reference incorporates, the allegations contained in paragraphs 27 through
3 29, as though fully set forth here.

4 **THIRD CAUSE FOR DISCIPLINE**
5 **(Failure to Comply with Regulations Pursuant**
6 **to the Motor Vehicle Inspection Program)**

7 32. Respondent's Automotive Repair Dealer Registration is subject to disciplinary action
8 pursuant to Health and Safety Code section 44072.2, subdivision (c), for failing to comply with
9 California Code of Regulations, title 16, section 3340.35, subdivision (c). Respondent issued a
10 Certificate of Compliance to a Bureau undercover vehicle with missing EVAP system canisters.
11 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
12 27 through 29, as though fully set forth here.

13 **DISCIPLINE CONSIDERATIONS**

14 33. To determine the degree of discipline, if any, to be imposed on Respondent,
15 Complainant alleges that on March 18, 2022, the Bureau issued Citation Number C2022-405 to
16 Respondent (ARD 299514 / RC 299514) for \$1,000. The Citation was based on Respondent's
17 issuance of a Certificate of Compliance to a Bureau undercover vehicle with a missing or
18 modified Positive Crankcase Ventilation (PCV) system on January 25, 2022. The Citation
19 included an Order of Abatement for Respondent to cease and desist from violating Health and
20 Safety Code section 44012. Citation Number C2022-405 is now final.

21 34. Complainant further alleges that on March 18, 2022, the Bureau issued Citation
22 Number M2022-406 to Respondent (640894) to complete an 8-hour BAR Certified Smog Check
23 Citation Training Course. The Citation was based on Respondent's issuance of a Certificate of
24 Compliance to a Bureau undercover vehicle with a missing or modified PCV system on January
25 25, 2022. The Citation included an Order of Abatement for Respondent to cease and desist from
26 violating Health and Safety Code section 44032. Respondent completed the training and Citation
27 Number M2022-406 is now final.

28 ///

1 35. Complainant further alleges that on July 28, 2022, the Bureau issued Citation Number
2 C2022-782 to Respondent (ARD 299514 / RC 299514) for \$2,000. The Citation was based on
3 Respondent's issuance of a Certificate of Compliance to a Bureau undercover vehicle with
4 missing or modified Air Injection System (AIS) components on May 26, 2022. The Citation
5 included an Order of Abatement for Respondent to cease and desist from violating Health and
6 Safety Code section 44012. Citation Number C2022-782 is now final.

7 36. Complainant further alleges that on July 28, 2022, the Bureau issued Citation Number
8 M2022-783 to Respondent (EO 640894) to complete a 28-hour Level 2 - Smog Check Procedures
9 Training Course and pay \$500. The Citation was based on Respondent's issuance of a Certificate
10 of Compliance to a Bureau undercover vehicle with missing or modified AIS components on May
11 26, 2022. The Citation included an Order of Abatement for Respondent to cease and desist from
12 violating Health and Safety Code section 44032. Respondent completed the training and Citation
13 Number M2022-783 is now final.

14 37. Complainant further alleges that on March 2, 2023, a Bureau representative visited
15 Main Automotive and conducted a Proactive Conference with Respondent. The representative
16 advised Respondent that compliance with all laws and regulations under the Automotive Repair
17 Act is mandatory. Respondent was also informed that a documented vehicle, station inspection,
18 or data review may be employed to confirm compliance.

19 38. Complainant further alleges that on June 20, 2024, the Bureau issued Citation
20 Number C2024-865 to Respondent (ARD 299514 / RC 299514) for \$3,000. The Citation was
21 based on Respondent's issuance of a Certificate of Compliance to a Bureau undercover vehicle
22 with missing or modified AIS components on March 27, 2024. The Citation included an Order of
23 Abatement for Respondent to cease and desist from violating Health and Safety Code section
24 44012, subsection (f). Citation Number C2024-865 is now final.

25 39. Complainant further alleges that on June 20, 2024, the Bureau issued Citation
26 Number M2024-866 to Respondent (EO 640894) to complete a BAR Certified Smog Check
27 Citation Training Course and pay \$500. The Citation was based on Respondent's issuance of a
28 Certificate of Compliance to a Bureau undercover vehicle with missing or modified AIS

1 components on March 27, 2024. The Citation included an Order of Abatement for Respondent to
2 cease and desist from violating Health and Safety Code section 44032. Respondent completed the
3 training and Citation Number M2024-866 is now final.

4 **OTHER MATTERS**

5 40. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the
6 Director may suspend, revoke, or place on probation the registration for all places of business
7 operated in this state by Respondent upon a finding that he has, or is, engaged in a course of
8 repeated and willful violations of the laws and regulations pertaining to an automotive repair
9 dealer.

10 41. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test-and-
11 Repair, Station License Number RC 299514 issued to Andres Grimaldo Bautista – Owner dba
12 Main Automotive, is revoked or suspended, any additional license issued under Chapter 5 of Part
13 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise
14 revoked or suspended by the Director.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
17 Accusation, and that following the hearing, the Director of the Department of Consumer Affairs
18 issue a decision:

19 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
20 299514, issued to Andres Grimaldo Bautista – Owner dba Main Automotive;

21 2. Revoking, suspending, or placing on probation any other automotive repair dealer
22 registration issued to Andres Grimaldo Bautista;

23 3. Revoking or suspending Smog Check, Test-and-Repair, Station License Number RC
24 299514, issued to Andres Grimaldo Bautista – Owner dba Main Automotive;

25 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
26 Division 26 of the Health and Safety Code in the name of Andres Grimaldo Bautista;

27 5. Ordering Andres Grimaldo Bautista to pay the Bureau of Automotive Repair the
28 reasonable costs of the investigation and enforcement of this case, pursuant to Business and

1 Professions Code section 125.3; and, if placed on probation, the costs of probation monitoring;
2 and,

3 6. Taking such other and further action as deemed necessary and proper.

4
5 DATED: As of Digital Signature Date

Dorais,
Patrick@DCA

Digitally signed by Dorais,
Patrick@DCA
Date: 2025.08.27 16:08:57
-07'00'

PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

6
7
8
9
10 LA2024603302
11 66955468.docx
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28